but also the bar almost totally ignorant of the processes and impelling causes of law? Is it better to have statutes than judicial precedents to limit judicial discretion? Is it necessary to continue the use of legal fictions? Is the theory of the separation of the legislative and judicial functions sound?

No one can rise from a reading of this work without a rather depressing sense of the gulf that separates the practising bench and bar from the scientific legal thinker. It is perhaps too much to hope that this work and the other books in the modern legal philosophy series will become popular with the profession but it can hardly be doubted that until the thought that is represented in these volumes breaks its way into the practical mind there will be little hope of the cultivation of law as a science and we may look forward to its further practice as the private business of the members of the bar.

THE ARMY AND THE LAW. By Garrard Glenn. Pp. 197. New York: Columbia University Press, 1918. Price, $1.75.

It has frequently been observed that military law is treated as an exotic, a stranger to our system of common law, called in because of a special necessity, and to be treated as a highly specialized branch of the law having no direct relation with the rest of our system, but such studies as that of Professor Page, in 32 Harvard Law Review, p. 349, go far toward dispelling this notion and explain its origin as well as its relation to the civil law. Another recent illuminating article is that of Professor Lobb, in 3 Minnesota Law Review, p. 105. Differing from other writers who are especially concerned with the military law, Professor Glenn undertakes to show the relation of the military establishment to the law of the land, more particularly to define the relation of the army to the common law. In so doing, he has taken a cross cut through many fields of the law, using a method similar to that which resulted in his splendid contribution to the science of commercial law in his book, "Creditors' Rights and Remedies," which was reviewed in the June, 1915, number of the UNIVERSITY OF PENNSYLVANIA LAW REVIEW. The topical headings of his chapters indicate the scope of the work: Introductory, The Constitution of the Army, Military Law and Military Courts, The Army's Right of Self-Regulation, The Army in Its Relations with the Enemy, Military Occupation in Matters of Government, Military Occupation in Matters of Property, Relation of Soldier to Civilian in Time of Peace, Relation of Soldier to Civilian in Time of War, Martial Law at Home.

Within the army, the soldier is entirely subject to military law. Upon his entry into the army, the common law loses its jurisdiction over him for the change of status means change of legal obligation. The decision of the court martial to which the soldier is subject is not reviewable by a common law court. The present agitation in favor of changes of the rules of the courts martial indicates an overwhelming sentiment in favor of the methods of the civil courts. The social readjustment, which has manifested itself in Russia and Germany and elsewhere, undermining the authority of the military system, is reflected here in the severe criticism to which our mili-

tary establishment is now being subjected. Although the greater part of Professor Glenn's book appeals to the reviewer as a scholarly, careful and original study of value in connection with the agitation for reform above referred to, the last chapter on Martial Law at Home will probably meet with a less cordial reception. The abuse by governmental authorities of the power which is of necessity vested in them in time of war in the punishment of disloyalty and espionage and treason will probably result in a very strong reaction against the punitive feature of martial law. The last two sentences of the book express a rather disquieting view. The author says: "The question in any such case is simply whether the government is powerless because of vested limitations inherent in our constitution to take the necessary steps to protect the constitution itself. It can hardly be doubted that in any case the view of the minority on the Milligan case will prevail. Opposition to that view rests on superstition rather than sound tradition and superstition is not a part of the common law of whose very life is historical truth." A government protecting the constitution by military power in defiance of the limitations of that power as defined by the courts means civil war. It is much more likely as the outcome of such a conflict, if it ever should arise, that the military power would receive its quietus. We have entered a period in which the use of force is no longer assumed to be a just and proper function of society. It is constantly called upon to justify itself. This is true even of the force used in aid of the civil law. Military force threatens soon to become an anachronism.

HUGO GROTIUS. By Hamilton Vreeland, Jr. Pp. xiii, 258. New York: Oxford University Press, 1917.

Grotius is called the father of the modern science of international law because he gathered all the work of his predecessors and contemporaries and formulated it in such manner as to form an epoch-making work. He stands very much toward international law as Blackstone toward the common law. Grotius was a rare intellect, gifted in an unusual degree and attaining excellence as a theologian, poet, historian, jurist, statesman, criminologist, diplomat and international lawyer. His pen was never idle, as an infant prodigy he studied at night and used his Sunday money to buy the candles which took the place of midnight oil. At the age of eleven he entered the University of Leiden and at fourteen publicly debated on philosophical questions and delivered his public theses in mathematics, philosophy and law. He left the university at fifteen and went in the suite of John of Barnevelde on a diplomatic mission to France, where he was decorated by Henry IV and made an LL. D. by the University of Orleans. He was admitted to the bar of Holland at the age of sixteen. At the age of twenty-two he wrote "De Jure Praedae," which masterpiece remained unpublished for two hundred and fifty years, excepting that part of it which the author subsequently published in 1609, under the title of "Mare Liberum," discussing the great problem of freedom of the seas which has today become one of the difficult points of controversy. Grotius treated this and all other questions from the lofty point of view of international ethics. To him interna-